

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

BRENNAN M. GILMORE,)
Plaintiff) Case No. 3:18-CV-00017-NKM
v.)
ALEXANDER (“ALEX”) E. JONES;)
INFOWARS, LLC, a Texas Limited Liability)
Company; FREE SPEECH SYSTEMS, LLC, a)
Texas Limited Liability Company; LEE)
STRANAHAN; LEE ANN MCADOO A/K/A)
LEE ANN FLEISSNER;)
SCOTT CREIGHTON; JAMES (“JIM”))
HOFT; DERRICK WILBURN;)
MICHELE HICKFORD;)
and WORDS-N-IDEAS, LLC,)
Defendants.)

)

**CONSENT MOTION TO SET BRIEFING SCHEDULE FOR RESOLUTION
OF MOTIONS FOR RECONSIDERATION OR INTERLOCUTORY APPEAL
AND FOR LEAVE TO FILE FIVE ADDITIONAL PAGES
BY PLAINTIFF BRENNAN GILMORE**

Plaintiff Brennan Gilmore moves the Court to set a briefing schedule for the filing of a single, consolidated opposition to Defendants’ motions for reconsideration or interlocutory appeal in the above-captioned case. Defendants Alex Jones, InfoWars LLC, Free Speech Systems LLC, and Lee Ann McAdoo (the “InfoWars Defendants”) consent to the relief requested by this motion. Likewise, Defendants Creighton, Hoft, Wilburn, Hickford, and Words-N-Ideas, LLC consent to the relief requested by this motion.

On May 2, 2019, Defendants Alex Jones, InfoWars LLC, Free Speech Systems LLC, and Lee Ann McAdoo filed a motion for reconsideration or certification of interlocutory appeal. (ECF

No. 133). On May 9, 2019 Defendants Creighton, Hoft, Wilburn, Hickford, and Words-N-Ideas, LLC filed a similar motion, adopting by reference the InfoWars Defendants' motion and supporting brief and supplementing it with eighteen pages of additional arguments. (ECF Nos. 137 & 138). Because the motions for reconsideration or interlocutory appeal rely on similar legal theories and address similar facts, it is in the interest of judicial efficiency to set a consolidated briefing schedule. *Cf. Harris v. L & L Wings, Inc.*, 132 F.3d 978, 981 n. 2 (4th Cir. 1997) (concluding that consolidation of actions was appropriate where matters involved common questions of law and fact). As this Court has previously recognized, it is not in the parties' or the Court's interest to operate on a staggered timeline that requires Mr. Gilmore to respond separately to motions that raise substantially similar factual and legal issues. (See ECF No. 52).

In the interest of judicial efficiency, Plaintiff hereby moves the Court to set the following briefing schedule:

1. Plaintiff's Consolidated Opposition shall be due two weeks from the date of the most recently-filed pending motion, May 23, 2019; and
2. Reply briefs shall be due June 6, 2019.

Plaintiff also moves the Court for leave to file five additional pages in his opposition, for a total limit of thirty pages. Defendants' briefs in support of their motions total thirty-two pages together, and were Plaintiff to respond to each motion separately, Plaintiff would be entitled to fifty total pages. Plaintiff does not anticipate that all thirty pages will be required, but seeks leave to file five additional pages out of an abundance of caution given the numerous lengthy arguments raised in each of Defendants' motions.

Dated: May 9, 2019

Elizabeth B. Wydra, admitted *pro hac vice*
Brianne J. Gorod, admitted *pro hac vice*
CONSTITUTIONAL ACCOUNTABILITY
CENTER
1200 18th Street, N.W., Suite 501
Washington, D.C. 20036
(202) 296-6889
brianne@theusconstitution.org

Respectfully submitted,

/s/ Andrew Mendrala
Andrew Mendrala, VA State Bar #82424
Aderson Francois, admitted *pro hac vice*
CIVIL RIGHTS CLINIC
GEORGETOWN UNIVERSITY LAW CENTER
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 662-9065
andrew.mendrala@georgetown.edu

Counsel for Plaintiff Brennan Gilmore

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

BRENNAN M. GILMORE,)
Plaintiff) Case No. 3:18-CV-00017-NKM
v.)
ALEXANDER (“ALEX”) E. JONES;)
INFOWARS, LLC, a Texas Limited Liability)
Company; FREE SPEECH SYSTEMS, LLC, a)
Texas Limited Liability Company; LEE)
STRANAHAN; LEE ANN MCADOO A/K/A)
LEE ANN FLEISSNER;)
SCOTT CREIGHTON; JAMES (“JIM”))
HOFT; DERRICK WILBURN;)
MICHELE HICKFORD;)
and WORDS-N-IDEAS, LLC,)
Defendants.)

)

[PROPOSED] ORDER

Upon consideration of the motion to set briefing schedule for resolution of motions for reconsideration and interlocutory appeal and for leave to file five additional pages by Plaintiff Brennan Gilmore, it is hereby:

ORDERED that the motion to set briefing schedule for resolution of motions for reconsideration and interlocutory appeal is GRANTED; and it is further ORDERED that Plaintiff’s motion for leave to file five additional pages is GRANTED; Plaintiff shall have five additional pages to respond to Defendants’ motions, giving him a thirty page limit for his opposition; and it is further

ORDERED that the following briefing schedule shall apply to the remaining briefing of the motions for reconsideration or interlocutory appeal filed by defendants in the above-captioned case:

1. Plaintiff's Consolidated Opposition shall be due May 23, 2019;
2. Reply briefs shall be due June 6, 2019.

IT IS SO ORDERED.

Date: May ___, 2019

Judge Norman K. Moon
United States District Court for the Western District of Virginia

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2019, a true and correct copy of the foregoing document was served on all parties via the Electronic Case Filing (ECF) system.

/s/ Andrew Mendrala